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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,086	08/31/2001	Alan Asay	P 268225 RM-1	8118

909 7590 02/13/2008  
PILLSBURY WINTHROP SHAW PITTMAN, LLP  
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MCLEAN, VA 22102

EXAMINER
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CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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02/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/943,086	ASAY ET AL.	
	Examiner	Art Unit	
	Paul Callahan	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 57-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 57-61, 63-71, 73 and 74 is/are rejected.
- 7) ☒ Claim(s) 62, 72, and 75 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1 and 57-75 are pending and have been examined. This Office Action is directed towards the Applicant's response filed

### Response to Arguments

2. Applicant's arguments with respect to claims 1 and 57-75 have been considered but are moot in view of the new ground(s) of rejection.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1, 57-61, 63-71, 73, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al., US 5,815,657, and Donner et al., European Patent Application, Publication Number: 0 512 702 A2, Published on November 11, 1992.

As for claim 1, Williams et al. teaches a method of managing reliance in an electronic transaction system (Abstract) the method comprising: obtaining electronic signals representing subscriber assurance of an attribute of a subscriber to the system

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(fig. 29), the subscriber assurance issued by a certification authority (fig. 30, col. 11 lines 30-37, col. 36 lines 63-67, col. 37 lines 1-12): obtaining electronic signals representing a request for transactional assurance based on at least the subscriber assurance based on a transaction involving the subscriber (col. 13 line 40 through col. 14 line 23: the Payment Manager receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant, and receives certificate information from the user (user's wallet manager)); determining whether to provide the requested transactional assurance, based on at least the subscriber assurance (col. 13 line 40 through col. 14 line 23: the Payment Manager receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant, and receives certificate information from the user (user's wallet manager)) ; and, depending on the said determining, issuing electronic signals representing transactional assurance to the relying party (fig. 34: Payment Window). Williams fails to teach a transactional financial assurance that is not a payment request or a payment authorization of the transaction itself. However, Donner does teach this step (Abstract, page 2 lines 55-58, page 3 lines 9-13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this step into the system of Williams. It would be desirable to do so as such an assurance prevents extraneous payment authorization or payment requests from being transmitted.

As for claim 57, Williams teaches the method of claim 1, wherein the subscriber assurance comprises (a) an identification assurance of the identity of the subscriber, or

(b) an authorization assurance of authorization of the subscriber, or (c) both (a) and (b) (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information).

As for claim 58, Williams teaches the method of claim 1, wherein the subscriber assurance comprises electronic signals representing a certificate (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information).

As for claim 59, Williams teaches the method of claim 1, wherein the determining is based also on information provided by the relying party (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information and certificate information from the Merchant).

As for claim 60, Williams teaches the method of claim 1, wherein the request for transactional assurance comes from the relying party (col. 13 lines 40-53: Merchant payment request also contains financial assurance information such as the merchant certificate sent to the payment manager).

As for claim 61, Williams teaches the method of claim 1, wherein the request for transactional assurance includes a request for a guarantee of an aspect of the transaction and comprising (col. 13 lines 40-50: Merchant sends transaction details and

his certificate): validating information in the request for transaction financial assurance to determine whether to provide the guarantee for the aspect of the transaction (col. 16 lines 19-25: Merchant is verified); and sending electronic signals representing an indication of whether the aspect of the transaction will be guaranteed (col. 16 lines 19-25: a message is sent as to whether Merchant is verified or not, and therefore whether payment will be made or not).

Claims 63-71, 73 and 74 are directed towards a computer program that directs a computer to carry out the method steps of claims 1 and 57-61. Claims 63-75 contain substantially the same limitations as claims 1 and 57-62. Therefore claims 63-75 are rejected on the same basis as claims 1 and 57-61.

#### ***Allowable Subject Matter***

5. Claims 62, 72, and 75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Paul Callahan/

December 6, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER